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March 31, 2016

VIA ECF

Honorable Debra Freeman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Rosario v. Mis Hijos Deli Corp, et. al.,
15 CV 6049 (LTS)(DF)

Dear Magistrate Judge Freeman:

Ross & Asmar LLC represents the Plaintiff in the above referenced matter. I write in response to the correspondence from Defendants' counsel, Argilio Rodriguez, dated March 30, 2016.

In his letter, Defendant seeks the Court's intervention in a purported discovery dispute. Counsel's letter misrepresents Plaintiff's position and is, at best, premature. For the reasons set forth below, there is no controversy at this time.

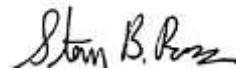
At the time of the March 9 teleconference, Defendants had not made a demand for the production of documents. My office, therefore, took no position on the discoverability of the documents as we had not yet received a demand.

Defendants emailed a demand for the production of documents on March 11. A response to Defendants' demand for the production of documents is due from Plaintiff on April 11—12 days after Defendants letter from yesterday alleging a discovery dispute. Pursuant to FRCP 33, even a response to Defendants' earlier served interrogatory demand is not due from Plaintiff until April 7.

Regarding Defendants' demand that Plaintiff sign a FOIL request consent form, Defendants do not yet even know if such a request is necessary because a response to its demand for the production of documents is not yet due.

In the event Defendants do seek documents not in the possession of Plaintiff, Defendants have subpoena power available to them to seek the production of such documents from a third party. Counsel is aware of no statute or case law, and Defendants' counsel has provided none, that require Plaintiff to sign any such authorization or that would empower the Court to compel Plaintiff to do so.

Respectfully,



STEVEN B. ROSS